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Federal Communications Commission
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Dear Mr. Martin,

I have finally been motivated to write to you about something that has been in the news. It's important to me and I recently had first hand experience of it.

As the head of the FCC you help steer policy on all manner of communication in the United States. Recently, the hot debate has been "Net Neutrality" with, predictably, established providers, such as Verizon and Comcast, arguing for changing the playing field to favor themselves by allowing packet discrimination (more will be explained below). Without it, they argue, they won't be able to build out their network (specifically begging the question of how they have done well so far without it) and thus all network innovation will cease.

One of the specific cases of interest is VoIP (Voice over Internet Protocol). No doubt you are well aware of the concept (as that is what it is, a concept and not a specific technology). One of the specific technologies that does implement this concept is SIP (Session Initiation Protocol), which is a well established standard by the Internet Engineering Task Force ("IETF").

SIP is currently the protocol of choice for almost all VoIP providers - it's standardized and reasonably easy to deploy. However, it is this standardization that makes it easy prey for anti-competitive tactics such as the above mentioned packet discrimination. I routinely read that there is no known situation where competing providers of service interfere with each others packet traffic. This is simply not true and Vonage can provide ample evidence.¹

This brings me to my own personal situation. Last week I was out "shopping" for an Internet provider and I came upon a ClearWire kiosk at a local mall here in the Seattle area. I spoke to the representative for a time but during the course of the discussion he told me, very clearly, that **ClearWire intentionally blocks SIP from competing providers** but that they would remove the block if I simply called and requested it. As a technologist, having done my masters thesis on networks, I have long known this to be true in my "gut"; but this blatant admission prompted me to compose a letter to you.

¹ Vonage already has a complaint on file with the FCC - see
<http://www.networkcomputing.com/channels/networkinfrastructure/60400413>

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While I certainly understand their motivation, I don't agree with it. The bottom line of this is that the practice is arguably tortious interference and directly impacts consumers and competition. Their intentions are for gaining a competitive advantage but there is fallout from this behavior that will directly affect *non-competitive* entities and shutdown innovation.

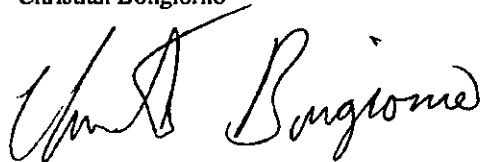
Network tearing has recently been endorsed by the Justice Department². One can only imagine what business and expertise Justice has to make such an endorsement. In their endorsement they say this sort of business practice is common and cite the postal system as an example; charging different rates for different levels of service. This analogy fails to appreciate the differences between these two mediums: Having an address anywhere in the US does not preclude me from accepting packages delivered by USPS, UPS, FEDEX or any other method.

By contrast, only the most sophisticated users know how to even support having multiple ISPs let alone actually do it. So, to modify the DoJs analogy a bit, it would be more similar to being *contractually bound* to use USPS for all package deliveries. And if the person who tries to send you a package isn't a USPS customer, you have to pay extra or worse, you simply can't get it.

ISPs are a common carrier; that's what they argue when being asked to police their networks for copyright infringement. Let's hold them to it.

Sincerely,

Christian Bongiorno

A handwritten signature in cursive script, reading "Christian Bongiorno". The signature is written in dark ink and is positioned below the printed name.

²<http://www.washingtonpost.com/wp-dyn/content/article/2007/09/06/AR2007090601262.html>